

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

MARK I RESTORATION SVC, : CIVIL ACTION
: :
: Plaintiff, :
: : NO. 02-3729
: vs. :
ZURICH (properly ASSURANCE :
COMPANY OF AMERICA), :
: :
: Defendant. :

DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendant, Assurance Company of America, by and through its attorneys, Christie, Pabarue, Mortensen and Young, A Professional Corporation, hereby moves this Honorable Court for dismissal of all claims pursuant to Federal Rule of Civil Procedure 12(b)(6) for the reasons set forth in the accompanying Memorandum of Law.

CHRISTIE, PABARUE, MORTENSEN and YOUNG,
A Professional Corporation

By: _____

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Attorneys for Defendant,
Assurance Company of America
(improperly named as "Zurich")

Dated: August 9, 2002